IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal (Ld) No. 125 of 2005
in
Notice of Motion No. 2434 of 2004
in
Suit No.2492 of 2004

Housing Development Finance
Corporation Ltd. ..Appellants

vs.

1. Neeta Vasant Pai & Ors. ..Respondents

Mr.H.N.Thakore i/b M/s Thakore Jariwala & Co. for appellants.

Ms.Rasi Radhakrishnan i/b Mr.Mohan Nair for respondent no.6

CORAM: A.P.SHAH &
S.J.VAZIFDAR JJ.
24th February,2005

P.C.

1. Heard the learned Counsel for appellant and respondent no.6. Respondent nos.1 to 5 are absent despite service.

2. The appellant H.D.F.C.Ltd. is the original plaintiff and has filed the present suit for recovery of loan granted to respondent nos. 1 and 2 for acquiring certain industrial galas. The appellant took out a Notice of Motion for interim relief which came to be dismissed for default on 10th February, 2005. Considering the fact that the board suddenly collapsed and the application for

restoration was moved on the very next date, we are inclined to set aside the order of dismissal of the Notice of Motion. Appeal is accordingly allowed. The order of the learned single Judge is set aside. Notice of Motion is restored to file.

3. Issuance of certified copy expedited.